IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9557 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

==
1.   Whether Reporters of Local Papers may be allowed
        to see the judgements? No.

2.   To be referred to the Reporter or not? No.

    JJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJJ
        of the judgement?   No.

  4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder? No.

  5.   Whether it is to be circulated to the Civil Judge?
         No.

    IQBAL HAJI SATTAR
Versus
    STATE OF GUJARAT

    Appearance:
        MR JAYANT PATEL, Advocate, for Petitioner
        MR. M.R. ANAND, G.P. with MISS HARSHA DEVANI, for
        the Respondents.

    CORAM : MR.JUSTICE N.N.MATHUR
    Date of decision: 08/03/96

ORAL JUDGEMENT
 Rule. Mr. M.R. Anand, Ld. G.P. waives service of
    notice of rule on behalf of the respondents.

    2. It is contended by the petitioner that entire
    stock of 36 bags of rice has been confiscated for certain
    technical irregularities.   The authorities have   not

applied their mind on the question of nature and gravity of the irregularities before passing the order for confiscation of the entire stock of 36 bags of rice. The learned Advocate for the petitioner relies on the decision of this Court in case of Arvindkumar & Brothers Vs. State of Gujarat and Others, reported in 195(1) G.L.H. 833.

3. I have gone through the the impugned orders. There appears to be justification in the contention raised by the petitioner. The authorities have not addressed themselves to the question of confiscation of the entire stock.

4. In view of the aforesaid, I set aside the order dated 24-8-1994 annexure 'B' and order of the appellate authority dated 19-10-1995 annexure 'A' and the matter is remitted back to the Deputy Collector, Gondal with the direction to hear the petitioner and pass afresh order in light of the observations made in the case of Arvindkumar & Brothers Vs. State of Gujarat & Others, reported in 1995(1) G.L.R. 833. Rule is made absolute to the aforesaid extent, with no order as to cost.

-0-0-0-0-0-